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DEPARTMENT OF AGRICULTURE

Soil Conservation Service

■

ENVIRONMENTAL IMPACT STATEMENTS

Guidelines for Preparation

Title 7—Agriculture

CHAPTER VI—SOIL CONSERVATION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER F—SUPPORT ACTIVITIES

PART 650—PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS—GUIDELINES

On November 19, 1973, the Soil Conservation Service (SCS) published in the FEDERAL REGISTER (38 FR 31909) for comment, proposed guidelines for Preparation of Environmental Impact Statements in compliance with the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 et seq.), in accordance with the guidelines of the Council on Environmental Quality (CEQ) appearing as 40 CFR Part 1500, published in the FEDERAL REGISTER August 1, 1973, (38 FR 20549) and the guidelines of the Department of Agriculture appearing May 29, 1974 (39 FR 18678).

Written comments received on the proposed SCS guidelines published in the FEDERAL REGISTER, November 19, 1973 were given full consideration in developing the final guidelines. SCS also consulted extensively with CEQ, the Secretary's Office, and other agencies in finalizing the guidelines. The full text of all comments received are on file and available for public inspection in Room 5125, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

Most suggestions made for clarification and improved editing were accepted. More substantive comments received and their considerations follow:

1. Section 650.3(b) Policy. Comment suggested that responsibility of SCS in relation to applicants be more specifically stated.

We agree and the language has been changed to state that if SCS determines that NEPA requirements are not being met by an applicant, SCS assistance will be withheld.

2. Section 650.3(c) Policy. Comment suggested that consideration and assessment of environmental quality and impacts begin at the onset of and continue throughout the planning process.

We agree and appropriate changes were made.

3. Section 650.5(a) Environmental Assessment. Comment suggested that Federal, State, and local standards are inviolate constraints on the planning process.

We agree in principle. Wording was added which states that the planning process is to be carried out in accordance with Federal, State, and local laws and regulations.

4. Section 650.7(b) Public Involvement and Coordination, Public Meetings. Comment suggested that assignment of responsibility for determining when public meetings were needed and to be held was not clear.

We agree and wording was added which states that the State Conservationist, after consultation with the applicants, will determine when public meetings are to be held.

5. Section 650.7(c) Public Involvement and Coordination, Public Hearings.

Same comment and consideration as for 4.

6. Section 650.7(d) Public Involvement and Coordination. Comment suggested SCS make more use of public notices in newspapers to advertise public meetings and public hearings.

We agree and language was added to specify that public meetings and public hearings will be advertised by public notices published in local newspapers, and that the State Conservationist is responsible to make certain that public notice requirements are fulfilled.

7. Section 650.8(a) SCS actions covered and excluded. Comment suggested that actions in this section would require an environmental impact statement.

We agree and the modifier "normally" was stricken and language added to clarify that actions under any of the conditions—(1) require approval by congressional committee; (2) provide for channel alignment or capacity of any perennial stream; or (3) are expected to be highly controversial because of environmental aspects—require preparation of an environmental impact statement.

8. Section 650.8(b) Actions covered and excluded. Other major SCS federally assisted actions which may or may not require an EIS. Comment suggested that the environmental factors—erosion and sedimentation, water table alterations, change in flow regime, changes in land use, and changes in air quality—be added to the list of factors to be assessed.

We agree and the suggested factors were added.

9. Section 650.8(b)(2) SCS actions covered and excluded. Other major SCS federally assisted actions which may or may not require an EIS. Actions authorized prior to passage of NEPA. Comment suggested that all projects that include channelization and impoundments be subject to the EIS procedure and that criteria, standards, and procedures should be developed and used to maintain important aquatic areas in any project. Comment further suggested that the SCS stream classification system was inadequate in judging the need for writing an environmental impact statement. Comment also recommended that easements and rights of way not be considered as a financial commitment until construction has progressed to the point where the land is unsuited for its prior use.

The actions authorized prior to passage of NEPA are subject to the same procedures for determination of need for an EIS as those in §§ 650.8(a) and 650.8(b)(1). They provide for environmental assessments and determination of need for an EIS for all channels and impoundments as well as all other actions which may be involved. All projects and project measures which involve major federal actions will be covered either by an EIS or by a negative declaration as provided in § 650.8. We believe the Proposed Guidelines in total provide adequate criteria, standards and procedures for considering and minimizing the impact of any project assisted action on important aquatic areas. We also have criteria, standards and procedures for the consideration of enhancement of important aquatic areas including those on which no project impact is anticipated. We encourage applicants to take advantage of opportunities to include project measures in the latter category, although we have no basis for insisting that they do so. Even for aquatic areas in projects that are small in size and scope, not controversial, and with other than perennial streams, § 650.8(b) requires a broad and comprehensive range of conditions to be assessed, which may result in the identification of significant adverse impacts requiring an EIS.

The stream classification system indicated here is among the factors to be used in describing the surface water resources of the watershed. The channel classification system will show whether a stream is perennial, intermittent or ephemeral, natural or man-modified. The Soil Conservation Service believes that such inventories are useful for developing an understanding of the environmental setting of the watershed. Again, the action would be subject to a comprehensive assessment to identify significant impacts which would require an EIS.

Easements and rights-of-way as a form of local financial commitment constitute only one of several criteria which, in addition to an environmental assessment, will be used to determine whether the action to be taken on older projects constitutes a major federal action requiring an EIS. Such a commitment is not a basis for an automatic exclusion. We cannot agree that donation of a land right implies no financial value or commitment. Land rights are transferred from the landowner to the applicant organization by a binding legal document, which may be a fee title deed or an easement. The land right transferred constitutes a substantial financial commitment.

We concur that the commitment is not made until the land right document is executed and this is the intent of the Guidelines.

With this explanation, the recommendations were not adopted for inclusion in the Proposed Guidelines.

10. Section 650.8(b)(3) SCS actions covered and excluded. Negative declaration. Comment took exception with the use of negative declarations as a means of meeting the requirements of NEPA.

The use of negative declarations is an established procedure under CEQ Guidelines (38 FR 20552), § 1500.6(e) for meeting the requirements of NEPA. Federal agencies other than SCS have been using this procedure for some time. SCS guidelines § 650.8(b)(3) have been amended to provide for publication of the negative declaration in the FEDERAL REGISTER, a 15 day waiting period following such notice. Statements of negative declarations will be provided to the same parties that receive draft EIS's as specified in § 650.9(b).

In addition, based on consultation and administrative deliberation, provision is made to determine the need for an EIS or negative declaration for an independent portion of a watershed project approved prior to NEPA and which is under operations. An independent portion is one not dependent from an environmental, engineering, or economic standpoint, on the remaining project. In such cases, the negative declaration shall set forth those portions on which construction will be undertaken and those which will not be undertaken until an EIS is prepared.

11. Section 650.8(c) Actions covered and excluded. Actions normally excluded from the preparation of EIS's. Comment suggested that items listed are not as clear-cut as the proposed guidelines imply and items, (1) conservation land treatment, (5) consolidation and rehabilitation of existing irrigation and drainage systems, and (6) individual measures or works of improvement covered by a program statement, were objected to.

We concur that the environmental significance of some of the items listed is not always clear, and for this reason have retained the qualifiers "normally" and "generally." With respect to conservation land treatment, item (1), we have found no other satisfactory way to cover this broad range of actions.

It is recognized that item (5) is ambiguous and may be construed more broadly than intended. It has been changed as follows: "(5) Consolidation and rehabilitation of existing irrigation systems including the associated drainage measures which are integral parts of the irrigation systems."

Item (6) has been deleted.

In addition, wording has been added to clarify that items (1)–(5) are excluded from the EIS process and negative declarations, unless they are included in a proposal requiring an EIS as specified in paragraphs (a) and (b)(1) of this section.

12. Section 650.8(d) Actions covered and excluded. Program statements. Comment requested definition of a program EIS and objected to program statements for similar contiguous projects.

Program EIS's are defined in CEQ Guidelines, (38 FR 20552), § 1500.6 (d)(1). If any individual project or measure is controversial, it will be covered by an EIS. Courts have encouraged "program statements" for similar contiguous projects, particularly highway projects.

Comments also requested a program statement be prepared for emergency watershed work.

SCS has prepared a draft program statement for emergency watershed work. It has been filed with CEQ and distributed for review and comment.

13. Section 650.10(d) EIS Format and Content. Statement of reasons. Comments suggested that this requirement be dropped because of its being repetitious of the EIS.

The signing of the draft and final EIS by the SCS responsible federal official together with the requirements of the final guidelines make the "statement of reasons" unnecessary. The suggestion was accepted and this section was dropped.

14. Section 650.11 Reviewing and commenting on EIS's prepared by others. Comment suggested addition of an item (14) floodplain considerations.

We agree and the item has been added.

14. Appendix III. Typical Outline for Environmental Impact Statement for Complex Watershed. Outline is to be suggestive and flexible. Comments made were as follows:

III(C)(1) Comment:

This section should contain a full discussion of the beneficiaries, desires and objectives of the local sponsors, institutional arrangements, and rates of cost-share. For example, land treatment, such as terraces, would (1) be of primary benefit to the public, (2) have a cost-share rate of 30+ percent (rate under existing programs), (3) be generally applied at a slow rate of landowners (less than 50 percent of land adequately treated nationwide after 40 years of cost-sharing), and (4) lack any legal authority for requiring installation. This situation should be compared to other project features such as channelization for flood control and drainage. Channelization is highly desired by the local sponsors, has local benefits, is cost-shared at a high rate (100 percent for flood control, 50 for drainage, and if combined usually exceed 90 percent), and the local sponsors have authority to condemn land for its installation. The expected rates of application of the watershed protection features (land treatment, structural measures, etc.) should be discussed in light of the program features and incentives outlined above.

There appears to be some misunderstanding involved in this comment.

Section III(C) (1) through (8) has been rewritten and condensed. As previously presented, more information than was appropriate was indicated in this section. It has been decided that it would lead to duplication and detract from the introductory stage setting objective of this section.

This section concerns a summary of the goals established for the planned project. Trends and other factors influencing the achievement of adequate land treatment and other project measures (and nonstructural measures in the case of flood protection) will be described in subsequent sections. Information concerning beneficiaries is discussed under Economic and Social effects. Institutional arrangements are to be covered under Planned Project. Generally, the factors recommended for discussion are among those we expect to discuss in the appropriate places under the present wording in the proposed Guidelines. Cost-sharing comparisons between purposes, or between land treatment and structural or nonstructural measures, are not relevant in this section. Cost-sharing for land treatment may vary from year to year and from one agency program to another.

III(C)(3) Comment:

"This section requires additional discussion in EIS's. Although references are found to various sections of the proposed rules for identifying secondary and cumulative effects, the emphasis appears to be on socio-economics. Therefore, the special attention should be given in Section III(C)(3) to the specific secondary, indirect and/or cumulative impacts of private landowners using federally financed channels as outlets for private on-farm drainage of wetlands and bottomland hardwoods. The EIS should discuss, in detail, documented drainage in other projects and the institutional arrangements (or lack of them) that permit or restrict such use of channels after the local sponsors assume responsibility for operation and maintenance.

Section III(C)(3) addresses goals for drainage as a project purpose. Most of the recommendation concerns impacts rather than goals. Instructions for the impact discussion appear under item V, and include primary and secondary, short-term effects and impacts, both beneficial and adverse. Cumulative impacts are to be addressed under item VII.

The Soil Conservation Service expects to analyze each potential impact until a supportable conclusion is reached regarding it, for which the basis will be described in the EIS. Documented drainage in other projects, as applicable, will be part of the evidence considered in this analysis.

As additional clarification in response to the recommendation, the Planned Project section D3.d(6) is modified by adding another example, to read as follows:

(6) Features or provisions to minimize fish and wildlife losses and other adverse effects. Describe measures or means provided to prevent private landowners using federally cost-shared channels as outlets for private on-farm drainage of wetlands or bottomland hardwood habitat.

III(C)(5) Comment:

While it is essential to describe the goals to be achieved in preserving, improving, and developing fish and wildlife habitat, more information is needed in future EIS's. Fish and wildlife preservation and development should be discussed relative to who is responsible for achieving these goals and what legal requirements are imposed to insure that the goals are met. In addition, the goals for maintaining, improving, and developing fish and wildlife habitat must be balanced against both direct and indirect losses that will occur. For example, if 300 acres are to be maintained, improved, and/or developed, and on the other hand 1,000 acres of such habitat will be lost directly or indirectly due to installation of the works of improvement, a net loss of fish and wildlife habitat should be acknowledged. When this happens, fish and wildlife should not be claimed as a project benefit, regardless of the fact that some habitat is left in the project area. The same criteria should apply to all other resources in the project area.

This recommendation concerns matters which are not relevant to this section. Information on who will meet the goals, by what measures, what legal requirements, and with what impacts, are pertinent to subsequent sections of the EIS. The Soil Conservation Service believes the Proposed Guidelines adequately provide for the recommended information and that no change is needed.

III(D)(2) Comment.

This section describes such nonstructural measures as flood plain zoning, land acquisi-

tion and restrictive easements, among others. The opportunity for securing perpetual easements in flood plains (as well as wetlands) should be included. Title X of the Agricultural and Consumer Protection Act of 1973 authorizes the Secretary of Agriculture to take such easements. However, easements are not mentioned in the proposed rules.

SCS believes and intends that "land acquisition or restrictive easement" as quoted from the Proposed Guidelines covers perpetual or other easements for flood plains or wetlands. Sponsors will be encouraged to use the perpetual easement and other portions of the RECP program or other such authorities that may be available to the Secretary of Agriculture.

To clarify this portion of the Proposed Guidelines in response to the recommendation, the word "right" is being inserted into this section so the term in question will read "land right acquisition and restrictive easement." A land right may range from fee title acquisition to any form of legal interest in the land.

III(E)(1)(f) Comment:

The emphasis on the SCS's stream classification in this section bears little resemblance to environmental problems related to channelization. WMI's objection to the use of this classification was discussed in detail earlier. The stream classification system is inadequate.

SCS does not contend that this system, by itself, is a sufficient indication of environmental values or potential problems. Items III(E) (1) through (8), all in the Environmental Setting part of the EIS, are intended to provide comprehensive consideration of all such values. III (E)(4), for example, provides subcategories a. through f. for presentation of data relative to Plant and Animal Resources.

No change was made.

V(2) Comment:

In addition to changes in water quality resulting from sedimentation, changes in stream regimen, etc., future EIS's should discuss changes in quality of the receiving waters from drainage of wetlands. Research has clearly established that wetland drainage releases large amounts of nutrients that are responsible for eutrophication of receiving lakes and streams. This relationship must be discussed where direct and indirect wetland drainage takes place.

SCS does not agree that research has clearly established that all wetland drainage releases large amounts of nutrients, but we agree that quality of receiving waters should be discussed. This will be added to the list of suggested items.

15. Equal Opportunity. Comment received suggested that consideration to impacts on minority and low income persons be included under socio-economic impacts and in relation to relocation, etc.

SCS agrees and appropriate language has been developed in consultation with the Office of Equal Opportunity, Department of Agriculture, and inserted in the Guidelines.

SCS herewith publishes its final guidelines which are to be effective June 3, 1974.

Dated: May 29, 1974.

KENNETH E. GRANT,
Administrator,
Soil Conservation Service.

Sec.

650.1 Purpose.
650.2 Scope.
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650.7 Public involvement and coordination.
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650.9 Numbering, distributing for comment, and time limits.
650.10 Environmental impace statements format and content.
650.11 Reviewing and commenting on environmental impact statements prepared by other federal and nonfederal agencies.

Appendix I—Flow Chart—"Planning Process—Projects Requiring Congressional Committee Approval."
Appendix II—Interagency Review List of Agencies and Number of Copies.
Appendix III—Format—Environmental Impact Statements.

AUTHORITY: Pub. L. 91-190, 83 Stat. 852 (42 U.S.C. 4321); EO 11514, 35 FR 4247; 38 FR 20550.

§ 650.1 Purpose.

This part prescribes Soil Conservation Service (SCS) policy, procedures, and guidelines for the preparation, coordination, and review of Environmental Impact Statements (EIS's) as required by section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969 (Pub. L. 91-190, 83 Stat. 852 (42 U.S.C. 4321 et seq.)), the Council on Environmental Quality Guidelines for Environmental Impact Statements, August 1, 1973 (38 FR 20550-20562), and Secretary of Agriculture Memorandum 1695, Supplement 4, as revised (Environmental Impact Statements).

§ 650.2 Scope.

This part applies to those activities of the SCS identified in § 650.8 as major federal actions significantly affecting the quality of the human environment. This part also applies to SCS responsibilities for reviewing and commenting on EIS's prepared by other federal and nonfederal agencies. The goals and policies of NEPA supplement the goals and policies in existing authorizations for SCS programs.

§ 650.3 Policy.

(a) *SCS mission.* The SCS mission is to assist in the conservation, development, and productive use of the Nation's soil, water, and related resources so that all Americans may enjoy:

(1) Quality in the natural resource base for sustained use;

(2) Quality in the environment to provide attractive, convenient, and satisfying places to live, work, and play; and

(3) Quality in the standard of living based on community improvement and adequate income.

(b) *General.* SCS administers its programs by furnishing assistance to individuals, groups, organizations, cities, towns, counties, state governments, and other decision makers in formulating and implementing their land use and soil and water conservation programs and plans. Thus, SCS activities are federally assisted actions. The environmental assessment and EIS process should be carried out in harmony with the activities and procedures of those to whom assistance is provided to the extent that SCS responsibilities and standards are not compromised. If SCS determines that NEPA requirements are not being met by an applicant, SCS assistance will be withheld.

(c) *Assessing environmental quality and impacts of proposed actions.* Initial environmental considerations begin at the onset of, and detailed environmental assessment continues through, the planning process. Before deciding on a major federal action that significantly affects the quality of the human environment, SCS will, in consultation with other appropriate federal, state, and local agencies, and the public, assess in detail the potential environmental impact. The purpose of the assessment is to avoid or minimize adverse effects whenever possible and to restore or enhance environmental quality to the fullest extent practicable. Alternative actions that will avoid or minimize adverse impacts are to be explored. Both long- and short-range implications of a proposed action to man, his physical and social surroundings, and to nature are to be evaluated. Assessments of environmental impacts of a proposed action are to be undertaken concurrently with initial technical and economic studies. Where required, an EIS is to be prepared and circulated for comment. Draft EIS's on administrative actions are to accompany the proposal through the agency formal review processes and are to be concurrently submitted to CEQ and made available to the public.

(d) *Responsible federal officials.* The SCS Administrator is the responsible federal official for purposes of carrying out NEPA for all major SCS federally assisted actions which will affect more than one state, including EIS's needed for programs, legislation, legislative reports, regulations, and policy. On specific projects or measures such as a watershed project which affects more than one state, the Administrator will name a state conservationist to take the lead as the responsible federal official. State conservationists are the responsible federal officials for purposes of carrying out NEPA for all other major SCS federally assisted actions, including watershed projects, resource conservation and development (RC&D) measures, and program EIS's which cover several similar actions within a state. The Administrator and state, area, and district conservationists have responsibilities for assuring compliance with NEPA policy and for excellence of technical assistance, utiliz-

ing procedures which provide for and encourage involvement of individuals, groups, and units of government, including local, state, and federal agencies in the planning process and decisionmaking, and for encouragement and promulgating procedures which provide for interdisciplinary technical assistance.

(e) *Interdisciplinary planning.* SCS uses an interdisciplinary planning process in which individuals or groups having different technical expertise jointly assess resource conservation opportunities. Those making the joint assessment, together with interested individuals and groups, determine data needs, quality standards to be achieved or to be maintained, and alternative courses of action. The number of discipline groups and agencies to be represented is dependent upon the complexity of problems, diversity of natural resources, and the economic, social, and environmental impacts of the alternative actions. Effective interdisciplinary planning is closely related to public involvement in the planning process.

(f) *Consultation with and response to requests of the Council on Environmental Quality (CEQ).* SCS consults with CEQ on policies, procedures, and the quality of EIS's. Careful consideration will be given to requests by CEQ for reports, other information, and action relating to implementation of NEPA.

(g) *Monitoring.* It is SCS policy to monitor programs and projects as necessary to assure compliance with the requirements of NEPA and to cooperate with other agencies in determining that environmental safeguards are executed according to plans.

§ 650.4 References.

Availability in SCS. Information and references pertaining to the guidelines for preparation, coordination, and review of EIS's required by the procedure for carrying out NEPA are available to all SCS field, area, state, and technical service center (TSC) offices, and the national office. The information and references are for the use of SCS employees as guidelines for planning, assessing, and preparing EIS's. The following information and references are to be maintained in or available to all SCS offices for review by others having an interest in or a use for the information:

National Environmental Policy Act of 1969 (Pub. L. 91–190).
Executive Order 11507, "Prevention, Control, and Abatement of Environmental Pollution at Federal Facilities."
Executive Order 11514, "Protection and Enhancement of Environmental Quality."
Guidelines for Statements on Proposed Federal Actions Affecting the Environment, Council on Environmental Quality (CEQ).
Section 309 of the Clean Air Act Amendments of 1970 (Pub. L. 91–604).
Right of the Public to Information Act (Pub. L. 89–487).
National Register of Historic Places, National Park Service.
Section 106 Requirements, National Historic Preservation Act (Pub. L. 89–665).
Executive Order 11593, "Protection and Enhancement of the Cultural Environment."
Procedures for the Protection of Historic and Cultural Properties, Advisory Council on Historic Preservation.
Act for preservation of historical and archeological data (Pub. L. 86–523).
Secretary of Agriculture Memorandum 1695, Supplement 4, as revised.
Office of Management and Budget (OMB) Circular A–95.

§ 650.5 Environmental assessment in the planning process.

(a) *General.* Environmental values and studies of probable impacts are given the same consideration throughout the planning and decisionmaking process as economic, engineering, and social values. Environmental assessment is an integral part of the planning process as illustrated in Appendix I of this part. The decision whether to prepare an EIS may be made during the application, preliminary investigation, or detailed planning stage based on the factors in § 650.8. However, the need for an EIS is to be determined as early as possible, usually immediately following the preliminary investigation stage. As soon as adverse impacts are identified in the application, preliminary investigation, or detailed planning stage, consideration is to be given to alternatives and measures which will avoid or minimize such impacts, if any. The planning process is to be carried out in accordance with federal, state and local laws and regulations.

(b) *Application stage.* When SCS first considers an application from or extends assistance to an applicant or other interested groups, full attention to and discussion of environmental values, probable impacts, and concerns are required. Sufficient information is to be gathered, analyzed, and then presented and discussed in at least one general public meeting to identify broad environmental aspects involved and the degree of public interest.

(c) *Preliminary investigation or feasibility study stage.* Following approval of the application, SCS conducts preliminary investigations and feasibility studies with participation of applicants, other agencies, and interested parties. Coordination and consultation relating to statutory requirements referred to in § 650.4 will begin at this stage if not previously initiated. "Environmental assessment is an integral part of the preliminary stage of planning." This includes a description of the present environment, trends, and preliminary evaluation of the impact of possible alternative actions. Findings of the preliminary studies and environmental assessment are to be presented and discussed at public meetings. The results of the preliminary investigation and the following public meetings at which results are discussed are to be considered in deciding whether to proceed with planning.

(d) *Detailed planning stage.* Following a decision to proceed with planning, SCS conducts detailed field studies, including additional studies on environmental impacts of alternatives. Expertise outside SCS is solicited and, when necessary, special contracts may be negotiated. Information needed to develop a draft plan and draft EIS is obtained in this stage and is to be discussed during public meetings.

(e) *Formal review process.* The draft EIS is circulated for formal review and comment as outlined in § 650.9.

§ 650.6 Obtaining information required for EIS's.

(a) *Interdisciplinary effort.* SCS utilizes a systematic, interdisciplinary approach to insure the integrated use of the natural, physical, and social sciences, and the environmental design arts in furnishing assistance for planning and decisionmaking which has an impact on man's environment. Where relevant disciplines are not represented on SCS staffs, appropriate assistance is to be obtained from federal, state, and local agencies and private sources.

(b) *Use of available data.* SCS will make full use of available survey and inventory reports, existing plans and publications which bear directly on a particular situation, and the environmental facts involved. Data sources are to be cited in the EIS.

(c) *Assessment.* An environmental assessment is to be made at the earliest stages of planning to identify potentially significant environmental factors that may be affected by the proposed action. This study will serve to further indicate types of data needed for more detailed study of environmental values when significant impacts on the environment are indicated. As needed, onsite environmental assessments are to be made using both SCS and other available expertise to quantify, qualify, and rate the present environmental setting in terms of the major factors and to predict probable impacts of alternative actions.

(d) *Study by others.* If data needed to identify environmental values and the impacts of alternative actions are not available from SCS sources, including the environmental assessment, or from other agencies or organizations with special expertise and responsibility, SCS will enter into arrangements with qualified organizations or individuals to produce needed data. Studies will be designed, to the extent feasible, to produce data to serve the widest possible base of use, both for the immediate action being considered and subsequent similar situations.

§ 650.7 Public involvement and coordination.

(a) *General consideration for developing public improvement—(1) Identification of individuals, groups, organizations, and agencies.* Public involvement must begin with the initial steps to formulate an action. The state conservationist is to keep a list of all groups, organizations, and governmental agencies which are or may be interested in the project for use by applicants and SCS. Criteria to be used in identifying individuals, groups, and organizations include those who:

(i) May be affected by the project, including landowners in a watershed or planning area;

(ii) Represent the needs and interests of a community;

(iii) Have views important to balanced planning (important key leaders or organizations may not be directly affected, but their involvement can be vital); or

(iv) Have expressed interest in the project.

(2) *Documentation.* Chronological and historical notes on public involvement are to be maintained. These notes will be a part of the working file and will serve to document all formal and informal meetings involved in planning the project. The notes will briefly identify major individual participants, organizations represented, the numbers of people attending meetings, and the substance of the meeting. Especially important is the documentation of discussions and concerns about environmental issues. These planning and implementation notes form important evidence of public involvement and will be available for public inspection. In some cases, verbatim transcripts of formal hearings or meetings are appropriate.

(b) *Public meetings.* Several types of public meetings may be used by applicants and SCS to encourage public involvement. The state conservationist, after consultation with the applicant, will determine when public meetings are to be held. Environmental information will be presented and discussed along with appropriate other information at public meetings. This information is to be made available prior to the meetings. If a preliminary draft or draft EIS has been prepared, it will be available at least 15 days before the public meetings. Meetings may include:

(1) Information-gathering meetings to help identify local issues, environmental values and concerns, specific problems, the general public attitude toward the undertaking, and to develop information needed for planning;

(2) Evaluation meetings for assessing economic, social, and environmental impacts and developing alternatives; and

(3) Plan-presentation meetings to provide opportunities for people to understand and evaluate proposed project plans and the environmental impacts.

(c) *Public hearings.* Recorded public hearings are to be held jointly by SCS and applicants if necessary to achieve public involvement and understanding of alternative project proposals or if justified by public interest. The state conservationist, after consultation with the applicants, will determine if a public hearing, or hearings, is necessary and when it is to be held. Information available on environmental assessment, the draft EIS's, or project formulation will be made available to the public at least 15 days prior to the time of such hearings, or as specified by state law. In deciding whether a public hearing is appropriate, state conservationists and applicants should jointly consider:

(1) Requirements of state or local laws;

(2) The magitude of the proposal in terms of environmental impact, costs, the geographic area involved, and size of commitment of the resources involved;

(3) The degree of controversy or opposing views likely to surface at the hearing;

(4) The degree of interest in the proposal as evidenced by requests from the public and from federal, state, and local authorities that a hearing be held;

(5) The complexity of the issue and the likelihood that information presented at the hearing would not otherwise be available to SCS in fulfilling its responsibilities under NEPA; and

(6) The extent to which public involvement has been achieved through other means, such as public meetings with citizen representatives, and written comments on the proposed project.

(d) *Public notices.* Public notice of each public meeting and public hearing discussed in paragraphs (b) and (c) of this section, except as hereinafter provided, is to be advertised in local newspapers on three different days at least 15 days prior to the date of the meeting or hearing and mailed to the interested individuals, groups, organizations and agencies referred to in paragraph (a) of this section at least 15 days prior to the meeting or hearing. The notice shall contain specifics of the project or program proposal, the date, time, and location of the meeting or hearing, and where information as to the environmental considerations and impacts of the proposed project may be obtained prior to as well as after the meeting. Where arrangements for such notification are the responsibility of local sponsors, it is the responsibility of the state conservationist to make certain that these public notice requirements have been properly fulfilled. Where official action by the local sponsors on the matters considered at a meeting or hearing is governed by state statute, the public notice and mailing requirements of this section may be modified as necessary to comply with the state statute.

(e) *Availability of EIS's.* Draft and final EIS's will be made available to the public by the responsible federal official. Enough copies of the EIS are to be printed to meet the anticipated demand of agencies, organizations, and individuals who must receive copies as required by CEQ Guidelines and to satisfy a reasonable number of additional requests. SCS will place a notice in the Federal Register both for draft and final EIS's to advise the public of proposed activities and where copies of the EIS's may be obtained.

§ 650.8 SCS actions covered and excluded.

(a) *Actions which require an EIS.* EIS's will be prepared for all watershed projects or RC&D measure plans under any of the following conditions:

(1) Require approval by congressional committees;

(2) Provide for modification of channel alignment or capacity of any perennial stream, including standing or backwater channels; or

(3) Are expected to be highly controversial because of the environmental aspects.

(b) *Other major SCS federally assisted actions which may or may not require an EIS.* Actions which do not fall under criteria established by paragraphs (a) or (c) of this section will require a decision by the responsible federal official whether to prepare an EIS based on individual considerations. The decision is to be based on an appropriate environmental assessment of environmental factors and significant effects, including beneficial and adverse effects. Significant adverse effects may be those which degrade the environment for any significant period of time, curtail the use of various environmental resources, or serve only short-term needs. Assessment is to cover secondary effects such as socio-economic impacts as well as direct effects.

(1) Identifying major federal actions which may or may not significantly affect the environment. At least the following environmental factors are to be assessed by the responsible federal official in each project or measures planning area as appropriate where an EIS is required or to determine whether an EIS is needed:

Erosion and sedimentation.
Water table alterations.
Change in flow regime.
Changes in land use.
Changes in air quality.
Upland wildlife habitat.
Bottomland wildlife habitat.
Migration routes.
Bottomland hardwoods.
Stream fisheries including potential not presently productive.
Wetlands.
Rare or endangered animals and plants.
Natural perennial streams.
Man-altered perennial streams.
Natural intermittent streams.
Man-altered intermittent streams.
Archeological and historical resources.
Water quantity.
Water quality, including receiving waters.
Appearance of the landscape.

In addition, the degree of public interest, potential controversy, urban or rural setting, and economic and social impacts should be assessed. Factors are to be quantified and qualified to the extent practicable as to the total amount in the planning area, the amount affected by the proposed actions, and the percent of the total resource in the planning area which will be affected. No single or multiple set of factors can give the absolute answer. The data, once assembled for a planning unit, will provide an indication of the probable impact and aid in making a judgment as to whether an EIS is needed.

(2) Actions authorized prior to passage of NEPA. In addition to a detailed assessment of actions such as those named in paragraph (b)(1) of this section, the following elements may also be given consideration by the state conservationist in accordance with § 1500.13 of the CEQ Guidelines (38 FR 20556) in determining whether the action yet to be taken, or independent portions thereof, constitutes a major federal action which

will require preparation of an environmental impact statement:

Total construction costs, including federal and local share.
Degree of completion of planned work and amount remaining to be done.
Local financial commitments, including easements and rights-of-way.
Degree of public involvement.
Consideration of environmental quality in project formulation.

(3) Negative declaration. On SCS major federally assisted actions such as watershed projects or RC&D measures where an eivironmental assessment indicates that all or independent portions of such projects are not likely to have a significant adverse impact on the environment or elicit controversy, a negative declaration is to be prepared by the state conservationist as soon as practicable following his decision. Independent portions are those that are not dependent, either from an environmental, engineering, or economic standpoint, on the remaining project, and are to be considered only for projects authorized prior to NEPA. At this time the state conservationist will also consider the need for actions to comply with statutory requirements, other than those in NEPA, referred to in § 650.4. The negative declaration will briefly describe the proposed activity, state the reasons for concluding that there will be no significant adverse impact, state that no EIS is to be prepared, and designate where the environmental assessment is available for public inspection. If construction is to be undertaken on independent portions of projects which do not contribute to the need for an EIS on the remaining project, the negative declaration shall set forth those portions on which construction will be undertaken and those which will not be undertaken until an EIS is prepared. Circulation of a negative declaration will be the same as for draft EIS's as provided in § 650.9(b). A news release is to be submitted by the responsible federal official to local papers and other appropriate media informing the public that an impact statement will not be prepared on a particular project. SCS will place a notice in the FEDERAL REGISTER concerning the negative declaration. No administrative action on implementation of the proposal is to be taken for 15 days after the notice of negative declaration is published in the FEDERAL REGISTER. The environmental assessment is to be kept on file in the originating office for public inspection. A list of actions on which EIS's will not be prepared will be maintained by the state conservationist.

(c) *Actions normally excluded from the preparation of EIS's.* Proposals covering only the following types of actions are not generally defined as major federal actions significantly affecting the human environment. These actions are excluded from the EIS process and negative declarations, unless they are included in a proposal requiring an EIS as specified in paragraphs (a) and (b) (1) of this section:

(1) Conservation land treatment.

(2) Nonstructural flood plain management practices.

(3) Critical area treatment measures for erosion and sediment control.

(4) Land stabilization protection, gully control, and other similar practices.

(5) Consolidation and rehabilitation of existing irrigation systems including associated drainage measures which are integral parts of the irrigation systems.

(d) *Program statements.* Two or more similar major federal actions occurring in the same geographical area such as contiguous watershed projects may be covered by a single "program" EIS. A program EIS may also be needed on newly authorized program responsibilities. In either case, and after considering the criteria in paragraphs (a) and (b) of this section, the responsible federal official will determine if a program EIS is appropriate and, if so, provide for its development.

(e) *River basin studies.* SCS assists with the preparation of EIS's covering certain river basin studies through the Water Resources Council, river basin commissions, and interagency committees. SCS is the lead agency for the U.S. Department of Agriculture (USDA) in conducting cooperative river basin studies (Type 4). Environmental analyses at the same level of intensity as economic and social analyses are included in the studies. An EIS is to be prepared when implementation authorization for specific projects included in the study is requested.

(f) *Legislative actions and favorable reports on legislation.* If SCS is designated by the USDA to prepare a legislative proposal or a favorable report when SCS has primary responsibility for the subject matter involved in a bill referred to the USDA, the Administrator is responsible for developing the EIS to accompany the proposal or report if he determines the proposal or report constitutes a major federal action which will have significant impact on the environment.

(g) *EIS's for making, modifying, or establishing regulations, rules, procedures, and policy.* If responsibility for implementing a program or major federal action is delegated to SCS by the Secretary of Agriculture and regulation or policy formulation is necessary, the need for an EIS will be determined by the Administrator in consultation with the USDA office of the Coordinator of Environmental Activities and the appropriate USDA assistant secretary. If an EIS proves necessary, it is to be developed in time to accompany the proposal, regulation, or policy through the review process.

(h) *Lead agency.* In certain instances, several USDA agencies may have program responsibilities relative to a major federal action with significant environmental impact. If SCS is designated as the lead agency, the Administrator will coordinate the input of all concerned agencies in development of the EIS. In actions involving several departments, the role of SCS will be determined in consultation with the USDA Office of the Coordinator of Environmental Activities and the CEQ.

(i) *Early notice system.* A list of SCS major federal actions in each state on which EIS's are to be prepared is to be furnished by the state conservationist to the Administrator on July 1, 1974. Each quarter thereafter the state conservationist will report any changes to the original list. The Administrator will consolidate the state lists and forward a single national list to CEQ each quarter. Each state list will be available at the appropriate SCS state office for public inspection. A list of major federal actions on which environmental statements will not be prepared (negative declaration) is to be maintained by the state conservationist after individual notices have been circulated.

§ 650.9 Numbering, distributing for comment, and time limits.

(a) *System for numbering EIS's.* (1) SCS will use the following components in numbering EIS's:

USDA	U.S. Department of Agriculture.
SCS	Soil Conservation Service.
EIS	Environmental Impact Statement.
WS	Program designation.
(ADM)	Type of statement.
74	Fiscal year of draft EIS.
11	Sequential number by program by fiscal year.
(D) or (F)	Draft or Final.
AL	State abbreviation as used in the U.S. Postal Service, National Zip Code Directory.

(2) Example. The number of the eleventh draft SCS administrative EIS for the fiscal year 1974 in the watershed program in Alabama would be written as follows:

USDA–SCS–EIS–WS–(ADM)–74–11–(D)–AL

(3) Program designations presently used include:

WS	Watershed.
FP	Flood Prevention.
RB	River Basin.
RCD	Resource Conservation & Development.

(4) Each state conservationist will assign sequential numbers to draft EIS's prepared within his state when the EIS is ready for circulation. A new series of numbers will begin each federal fiscal year. Draft and final EIS's for the same action will carry the same sequential number even though the final statement may be filed in the subsequent fiscal year, but will be designated (D) or (F).

(b) *Draft EIS's.* The following steps will be taken in filing and distributing draft EIS's for review and comment:

(1) *CEQ and others.* Five copies of draft EIS's will be sent to CEQ by the responsible federal official. At the same time the responsible federal official will send copies to:

(i) The federal agencies listed in Appendix II of this part and a copy of the transmittal letter only to the USDA Office of the Coordinator of Environmental Quality Activities. Appendix II of the

CEQ Guidelines (38 FR 20557) also provides further guidance for considering sources of special expertise in the areas of energy, pollution, and resource and land use.

(ii) State and local agencies. OMB Circular No. A–95 (Revised) through its system of state and areawide clearinghouses provides a means for obtaining the views of state and local environmental agencies which can assist in the preparation and review of EIS's. Instructions for obtaining the views of such agencies are contained in the joint OMB–CEQ memorandum which is attached to the CEQ Guidelines as Appendix IV (38 FR 20550).

(iii) Organizations, groups, and individuals. A copy of the draft EIS will be sent to the appropriate official of each organization or group and each individual who has expressed interest or should receive a copy.

(2) *Time period for comment.* The time period for review shall end 60 days after the date the draft EIS is sent to CEQ and distributed for review as provided in paragraph (b)(1) of this section. (This 60-day period includes the 45-day period from the date published in the FEDERAL REGISTER by CEQ.) A 15-day extension of time for review and comment will be considered by the responsible federal official when such requests are submitted in writing. Otherwise it will be presumed that at the end of the 60-day period the agency or party from which comments were requested has no comments to make.

(3) *Notice to Federal Register.* The state conservationist will prepare a notice for the FEDERAL REGISTER concerning availability of draft EIS's and forward it to the Administrator for handling.

(4) *News releases.* News releases will be sent to appropriate local media in a timely manner by the responsible federal official.

(5) *Preparing final EIS's.* At the end of the review period, the responsible federal official will prepare the final EIS, taking into consideration substantive comments, including opposing viewpoints received. If significant changes in the proposed action are needed, a revised draft EIS may be necessary and recirculated for comment.

(c) *Final EIS's.* The following steps will be taken in filing and distributing final EIS's:

(1) Letters of substantive comment will be appended to all copies of the final EIS's. If numerous repetitive responses are received, summaries of the repetitive comments and a list of the commentators will be appended.

(2) The responsible federal official shall send five copies of the final EIS to CEQ, one copy of the letter of transmittal only to the USDA Coordinator of Environmental Quality Activities, and a copy of the final EIS to each state and federal agency, organization, group, or individual who furnished substantive comments on the draft EIS or who requests a copy.

(3) The state conservationist will prepare a notice for the FEDERAL REGISTER concerning availability of final EIS's and forward it to the Administrator for handling. Copies of final EIS's will be made available by the SCS responsible federal official on request.

(4) No administrative action on implementation of the proposal covered by the EIS is to be taken for 30 days after notice of availability of the final EIS is published in the FEDERAL REGISTER by CEQ.

(d) *Supplements to EIS's.* If necessary, an appropriate revision or supplement to a final EIS on file with CEQ shall be prepared by the responsible federal official. The extent of the revision and further coordination with other federal, state, and local governmental agencies and the interested public will be based on the following:

(1) If the final EIS previously filed becomes inadequate due to a major change in the plan of development or method of operation of the proposed action or for other reasons, a new draft and final EIS must be prepared as provided in § 650.10 and filed and distributed as provided in paragraphs (b) and (c) of this section.

(2) If the final EIS on file becomes deficient because of major changes in some of the design features or project purposes, an appropriate draft supplement to the final EIS shall be prepared. The draft and final supplement will be filed and distributed as provided in paragraphs (b) and (c) of this section. Time limits specified in paragraphs (b)(2) and (c)(4) of this section will be observed.

(3) If SCS determines that it is necessary to clarify or amplify a point of concern raised after the final EIS was filed with CEQ and the point of concern was considered in the final EIS, the clarification or amplification shall be prepared and filed with CEQ. Informational copies of the material filed with CEQ will be furnished to those who received copies of the final EIS. Section 1500.11(b) of the CEQ Guidelines (38 FR 20556) would not be applicable. Waiting periods previously outlined in this part are not applicable.

(e) *Expedited procedures.* When emergency circumstances make it necessary to take action with significant environmental impact without observing the provisions of paragraphs (b) and (c) of this section, the state conservationist shall work through the Administrator and the USDA Office of the Coordinator of Environmental Quality Activities in consulting with CEQ about alternative arrangements.

§ 650.10 EIS format and content.

(a) General considerations in preparing EIS's. (1) Environmental studies are to be conducted at the same time, depth, and scope as are economic, engineering, and other related studies.

(2) The EIS is to summarize and document data sources.

(3) Secondary impacts such as socio-economic effects, including impacts on civil rights, minority groups, and low income persons, as well as cumulative effects of other SCS and relevant actions in the area to be influenced are to be considered.

(4) Comments and recommendations by agencies, groups, and individuals are to be given full consideration in planning the project and developing the EIS. Appendix II of the CEQ Guidelines (38 FR 20557) is to be used as a guide for determining the expertise and responsibilities of other agencies to be contacted for consultation.

(5) Impacts on historical, archeological, and cultural sites are to be considered with special attention to the review procedures required for those properties included in or eligible for inclusion in the National Register of Historic Places.

(6) The U.S. Environmental Protection Agency (EPA) is to be consulted early in the planning process on water and air quality matters to facilitate EPA and SCS responsibilities under section 309 of the Clean Air Act (Pub. L. 91–604, 84 Stat. 1709 (42 U.S.C. 1857h–7)).

(7) Any federal, state, or local legislation, plan, regulation, standard, or action which may have a bearing on the proposed action is to be considered.

(8) Attention is to be given to the substance of the information rather than the form, length, or detail of the EIS.

(b) The following points are to be covered in accordance with § 1500.8 of the CEQ Guidelines (38 FR 20553):

(1) A description of the proposed action, a statement of its purposes, and a description of the environment affected. Include information, summary technical data, and maps and diagrams, where relevant, adequate to permit an assessment of potential environmental impact by commenting agencies and the public.

(2) The relationships of the proposed action to land use plans, policies, and controls for the affected area.

(3) The probable primary and secondary impacts of the proposed action on the environment. Include an assessment of the positive and negative effects on both national and international environment.

(4) Alternatives to the proposed action which would reduce or eliminate adverse effects. Include, where relevant, those not within the responsibility of SCS.

(5) Any probable adverse environmental effects which cannot be avoided such as water or air pollution, undesirable land use patterns, damage to life systems, urban congestion, threats to health, or other consequences adverse to the environmental quality goals set out in section 101(b) of NEPA (Pub. L. 91–190, 83 Stat. 852 (42 U.S.C. 4331)).

(6) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.

(7) Any irreversible and irretrievable commitments of resources that would be involved in the proposed action should it be implemented.

(8) An indication of other interests and considerations of federal policy to

offset the adverse environmental effects of the proposed action. The statement should also indicate the extent to which these stated countervailing benefits could be realized by following reasonable alternatives to the proposed action that would avoid some or all of the adverse effects. Analyses or summaries of available cost-benefit information are to be attached to the EIS.

(c) Sample procedures for developing an EIS for a complex watershed project are outlined in Appendix III of this part. The outline presents detailed consideration of the elements covered in § 1500.8 of the CEQ Guidelines. The outline is to be used as a guide and adjusted to specific actions as appropriate, keeping in mind the:

(1) Size and complexity of the proposed action;

(2) Range of significant environmental factors likely to be affected;

(3) Number of reasonable alternatives; and

(4) Detail of information necessary to adequately describe and assess resources and impacts.

§ 650.11 Reviewing and commenting on EIS's prepared by other federal or nonfederal agencies.

(a) SCS employees assigned to review and comment on EIS's prepared by other agencies are to be thoroughly familiar with SCS policies and guidelines contained in this part, CEQ Guidelines, and NEPA.

(b) All EIS's received for review by SCS shall be responded to promptly even if no comments are offered. Comments are to be objective and factual and presented with a view toward offering suggestions which will help minimize adverse impacts of the proposed action. Comments are to be based on knowledge readily available. Field office technical guides, soil surveys, field investigation reports, and other resource data and reference materials developed by SCS and other agencies should be used and cited. It is not intended that special surveys or investigations be conducted to acquire additional information for use in preparing comments.

(c) The SCS reviewer is to consider:

(1) *The suitability or limitations of the soils for the proposed action.* Have the suitabilities and limitations of the soils for the proposed use and action been considered? Would an alternative route, location, or layout minimize land use problems and adverse environmental impacts?

(2) *Provisions for control of erosion and management of water during construction.* Are there resources downstream that would be affected by sediment from the construction area, and does the statement provide for adequate control measures?

(3) *Provisions for conservation land treatment on the project lands, rights-of-way, access roads, and borrow areas.* Does the statement indicate that enduring soil and water practices are to be installed and maintained?

(4) *The effect of water discharges from the project lands or rights-of-way onto other properties or changes in water quality.* Will discharges cause erosion or flooding on other lands?

(5) *The effects of disruption of the natural drainage patterns on other properties.* Does the statement indicate that natural drainage patterns will be maintained or improved, and that bridges, culverts, and other water control structures will be so located that adjacent lands are not flooded or otherwise restricted in use?

(6) *The impact on existing conservation systems.* To what extent will conservation systems such as terrace, drainage, or irrigation be altered, severed, or suffer blocked outlets, and land use or cover be affected as a result? Does the EIS make clear that existing conservation systems, where applicable, are to be protected and kept functional?

(7) *The amount of prime farmland or other significant land and water resource areas being irreversibly or irretrievably lost.* Would an alternative location or route require less prime farmland?

(8) *The impact of severance of farmland, woodland, ranchland, or other significant land and water resource areas.* Can adverse effects of severance be reduced by providing for underpasses or access corridors?

(9) *The impact of the proposed action on wetlands.* Does the statement reflect the effect of the proposed action on wetlands as defined in U.S. Department of Interior, Bureau of Sports, Fisheries, and Wildlife Circular No. 39? Can the adverse effects be reduced or eliminated?

(10) *The stockpiling, protection, or proper disposition of topsoil.* If this is a significant consideration, does the statement provide for conserving and using topsoil?

(11) *The impact of the proposed action on pollution of land, water, and air.* Does the statement describe the adverse effects? Can the adverse effects be reduced and, if so, by what means?

(12) *Other related resources.* Does the reviewer have information which would indicate significant effects of the proposed action on fish and wildlife habitat, rare and endangered plant and animal species, historical and archeological sites, natural areas, and major plant communities?

(13) *The effect of the proposed action* on SCS or other agency projects. Does the statement reflect the effect of the proposed action on present or planned SCS assisted projects? Does the reviewer have information on projects of other agencies not recognized in the EIS and which should be called to the attention of the agency which prepared the EIS?

(14) *Floodplain considerations.* Does the reviewer have information relating to the following: Does the project lie within the bounds of a floodplain? Will the project be damaged by flooding? Will the proposed action cause an increase in flood damage either upstream or downstream? Does the project constitute a precedent in terms of encroachment on this floodplain?

(15) *Impact on historical or archeological resources.* Does the proposed action threaten or alter any property included in or eligible for inclusion in the National Register of Historic Places?

(d) Usually EIS's prepared by other federal agencies are addressed to the USDA and referred to SCS by the USDA Coordinator of Environmental Activities, or are addressed to the SCS national office or an SCS state office.

(1) EIS's referred by the USDA Coordinator of Environmental Activities to the SCS national office may designate SCS as the lead agency for preparing comments for USDA. In this case, the SCS national office determines whether inputs from state conservationists and other USDA agencies are needed. If so, state conservationists and other USDA agencies are requested to furnish comments to be combined for the USDA response.

(2) EIS's received directly by the SCS national office are screened to determine whether inputs from state conservationists are needed. If so, the EIS is sent by the Administrator to the state conservationist concerned. Transmittal of an EIS to a state conservationist shall indicate to whom comments, or copies thereof, are to be sent. If more than one state is involved, the Administrator will designate one state conservationist to coordinate the review and comments.

(3) If a state conservationist receives an EIS directly from another federal agency, he is to respond directly to the initiating agency. A copy of his comments is to be sent to the Administrator and to the USDA Coordinator of Environmental Activities. If the EIS is from a nonfederal agency, the state conservationist is to send a copy of his comments to the Administrator. If the comments are substantial or controversial, a copy of the draft EIS should be attached to the copy of the comments sent to the Administrator.

(4) Comments on EIS's addressed directly to SCS are to deal primarily with areas of SCS expertise. Copies of draft EIS's reviewed and commented on should be retained by reviewing offices for reference.

(5) Five copies of review comments made by SCS on EIS's prepared by other federal agencies are to be sent directly to CEQ.

(e) If EIS's are addressed to SCS area or field offices, these offices are to contact the state conservationist for instructions on coordinating and handling the comments.

(f) If EIS's are submitted to conservation districts, the district officials should prepare the comments and reply. SCS may furnish needed soil, water, and related resource information to the district officials.

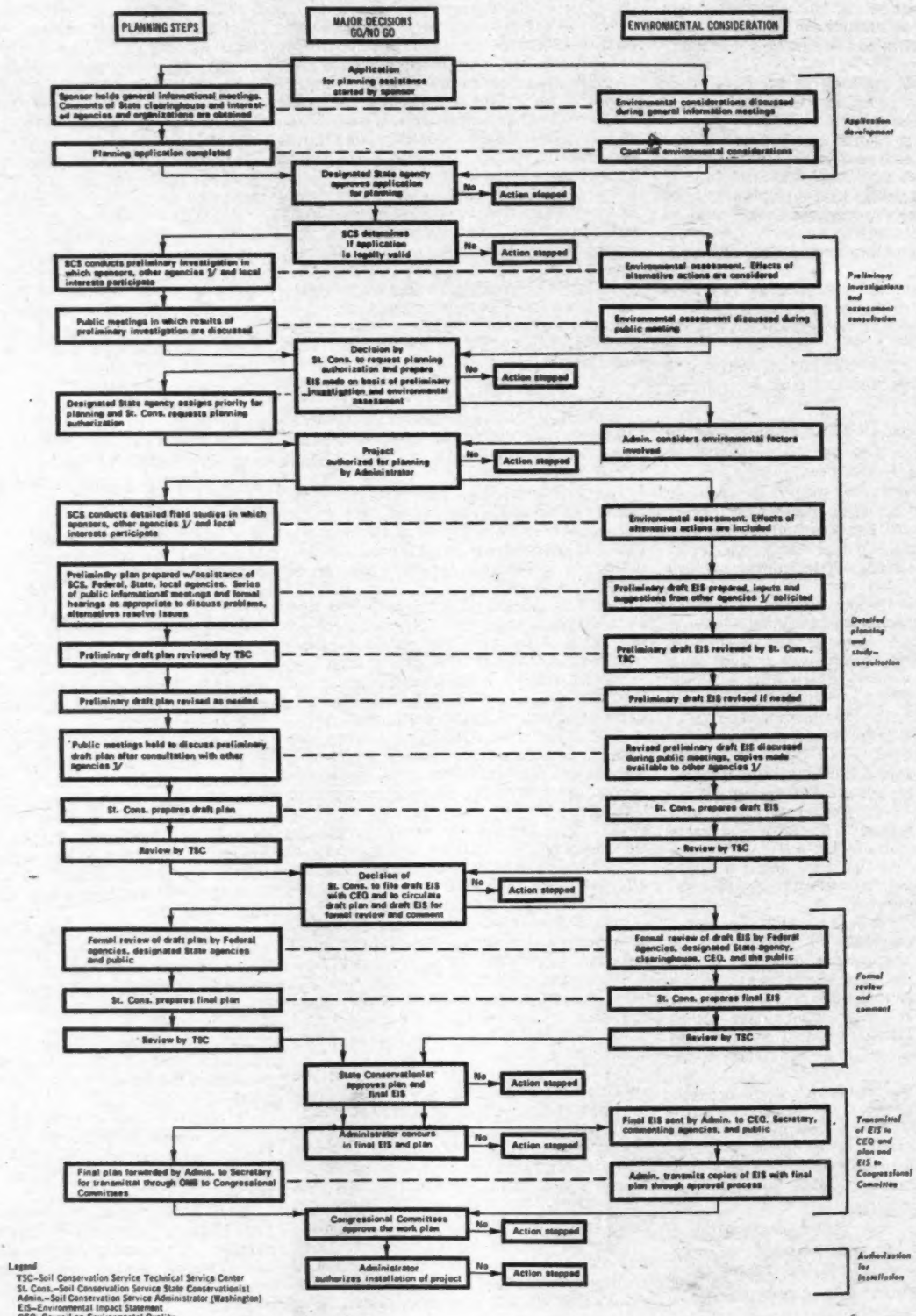
U. S. DEPARTMENT OF AGRICULTURE — SOIL CONSERVATION SERVICE

APPENDIX I

—PLANNING PROCESS—

PL.–566 WATERSHED PROJECTS

(Projects Requiring Congressional Committee Approval)


PLANNING STEPS
MAJOR DECISIONS GO/NO GO
ENVIRONMENTAL CONSIDERATION
Application for planning assistance started by sponsor
Sponsor holds general informational meetings. Comments of State clearinghouse and interested agencies and organizations are obtained
Environmental considerations discussed during general information meetings
Planning application completed
Contains environmental considerations
Application development
Designated State agency approves application for planning
No
Action stopped
SCS determines if application is legally valid
No
Action stopped
SCS conducts preliminary investigation in which sponsors, other agencies 1/ and local interests participate
Environmental assessment. Effects of alternative actions are considered
Public meetings in which results of preliminary investigation are discussed
Environmental assessment discussed during public meeting
Preliminary investigations and assessment consultation
Decision by St. Cons. to request planning authorization and prepare EIS made on basis of preliminary investigation and environmental assessment
No
Action stopped
Designated State agency assigns priority for planning and St. Cons. requests planning authorization
Admin. considers environmental factors involved
Project authorized for planning by Administrator
No
Action stopped
SCS conducts detailed field studies in which sponsors, other agencies 1/ and local interests participate
Environmental assessment. Effects of alternative actions are included
Preliminary plan prepared w/assistance of SCS, Federal, State, local agencies. Series of public informational meetings and formal hearings as appropriate to discuss problems, alternatives resolve issues
Preliminary draft EIS prepared, inputs and suggestions from other agencies 1/ solicited
Preliminary draft plan reviewed by TSC
Preliminary draft EIS reviewed by St. Cons., TSC
Detailed planning and study—consultation
Preliminary draft plan revised as needed
Preliminary draft EIS revised if needed
Public meetings held to discuss preliminary draft plan after consultation with other agencies 1/
Revised preliminary draft EIS discussed during public meetings, copies made available to other agencies 1/
St. Cons. prepares draft plan
St. Cons. prepares draft EIS
Review by TSC
Review by TSC
Decision of St. Cons. to file draft EIS with CEQ and to circulate draft plan and draft EIS for formal review and comment
No
Action stopped
Formal review of draft plan by Federal agencies, designated State agencies and public
Formal review of draft EIS by Federal agencies, designated State agency, clearinghouse, CEQ, and the public
Formal review and comment
St. Cons. prepares final plan
St. Cons. prepares final EIS
Review by TSC
Review by TSC
State Conservationist approves plan and final EIS
No
Action stopped
Final EIS sent by Admin. to CEQ, Secretary, commenting agencies, and public
Transmittal of EIS to CEQ and plan and EIS to Congressional Committee
Administrator concurs in final EIS and plan
No
Action stopped
Final plan forwarded by Admin. to Secretary for transmittal through OMB to Congressional Committees
Admin. transmits copies of EIS with final plan through approval process
Congressional Committees approve the work plan
No
Action stopped
Administrator authorizes installation of project
No
Action stopped
Authorization for installation

Legend

TSC–Soil Conservation Service Technical Service Center
St. Cons.–Soil Conservation Service State Conservationist
Admin.–Soil Conservation Service Administrator (Washington)
EIS–Environmental Impact Statement
CEQ–Council on Environmental Quality
1/ includes interested state, local, and field offices of federal agencies

MARCH 1974

APPENDIX II—INTERAGENCY REVIEW

AGENCIES REQUESTED TO REVIEW AND COMMENT

Governor of State or State Agency Designated by Governor

State and area-wide clearinghouses

Executive Secretary
Advisory Council on Historic Preservation
1100 "L" Street, N.W.
Washington, D.C. 20005

Chief, Corps of Engineers
Department of the Army
Department of Defense
Washington, D.C. 20314
(Address to District Engineer if State Conservationist approved plan)

Department of the Interior
Washington, D.C. 20240
Attention: Office of Environmental Project Review

Department of Health, Education, and Welfare
330 Independence Avenue, S.W.
Washington, D.C. 20201

Department of Transportation
Washington, D.C. 20590

Department of Commerce
Washington, D.C. 20230

Environmental Protection Agency
(Address to Regional Office)

Federal Power Commission
Washington, D.C. 20426

Office of Equal Opportunity
U.S. Department of Agriculture
Washington, D.C. 20250

Agencies requested to review and comment

Only if involved:

Appalachian Regional Commission
1666 Connecticut Avenue, N.W.
Washington, D.C. 20235

Delaware River Basin Commission
P.O. 360
Trenton, New Jersey 08603

Tennessee Valley Authority
Knoxville, Tennessee 37919

Other Regional Commissions

Only for watersheds in areas covered by regional or river basin plans (level b) approved by Water Resources Council and transmitted to Congress:

Water Resources Council
2120 L Street, N.W.
Washington, D.C. 20037

APPENDIX III

TYPICAL OUTLINE FOR ENVIRONMENTAL IMPACT STATEMENT FOR COMPLEX WATERSHED

Index

I. Cover Page.
II. Summary.
III. Project Identification and Environmental Setting.
A. Authority.
B. Sponsoring Local Organization.
C. Project Purposes & Goals.
D. Planned Project.
1. Land Treatment Measures.
2. Nonstructural Measures.
3. Structural Measures.
4. Operation and Maintenance.
5. Project Costs.
E. Environmental Setting.
1. Physical Resources.
2. Present and Projected Population.
3. Economic Resources.
4. Plant and Animal Resources.
5. Recreational Resources.
6. Archeological, Historical, and Unique Scenic Resources.
7. Soil, Water, and Plant Management Status.
8. Projects of Other Agencies.
F. Water and Related Land Resource Problems.
1. Land and Water Management.
2. Floodwater Damage.
3. Erosion Damage.
4. Sediment Damage.
5. Drainage Problems.
6. Irrigation Problems.
7. Municipal and Industrial Water Problems.
8. Recreation Problems.
9. Plant and Animal Problems
10. Water Quality Problems.
11. Economic and Social Problems.
IV. Relationship to Land Use Plans, Policies and Controls.
V. Environmental Impact.
A. Conservation Land Treatment.
B. Nonstructural Measures.
C. Structural Measures.
D. Economic and Social.
E. International Impacts.
F. Favorable Environmental Effects.
G. Adverse Environmental Effects.
VI. Alternatives.
VII. Short-Term VS. Long-Term Use of Resources.
VIII. Irreversible and Irretrievable Commitment of Resources.
IX. Consultation and Review With Appropriate Agencies and Others.
1. General.
2. Discussion and Disposition of Each Comment on Draft Environmental Statement.
X. List of Appendixes.
XI. Signature Block.

USDA-SCS-EIS- [Program Designation] - (ADM) - [No. Assigned by STC] - [D Draft / F Final] - [State]

[Name of Watershed Project
County(ies) & State(s)]

[DRAFT or FINAL] ENVIRONMENTAL IMPACT STATEMENT

[Name and Title of Responsible Official]

Soil Conservation Service

Sponsoring Local Organizations

[List Names and Addresses (include zip codes)]

[Date Statement Prepared (month & year)]

PREPARED BY

UNITED STATES DEPARTMENT OF AGRICULTURE

Soil Conservation Service

[Address of Responsible Official]

Note - explanatory instructions for information to be added is included in boxes.

Each item to be centered on the page.

USDA ENVIRONMENTAL IMPACT STATEMENT

----------Watershed Project
---------- County(ies)
---------- State(s)

Prepared in Accordance with sec. 102 (2) (C) of P.L. 91-190.

Summary

I. Draft (or) Final.
II. Soil Conservation Service.
III. Administrative.
IV. Brief description of project purpose and action—indicating what states (and counties) are particularly affected. For example:

A project for watershed protection, flood prevention, and recreation in ---------- County (State) to be implemented under authority of the Watershed Protection and Flood Prevention Act (PL 566, 83d Congress, 68 Stat. 666), as amended.

V. Summary of environmental impacts including favorable and adverse environmental effects.
VI. List of alternatives.
VII. (For draft statements)—List the following agencies, as appropriate, from which written comments are requested. (Ref. Appendix II, CEQ guidelines)

Department of the Army
Department of Commerce
Department of Health, Education, and Welfare
Department of the Interior
Department of Transportation
Environmental Protection Agency
Advisory Council on Historic Preservation
Appalachian Regional Commission
Delaware River Basin Commission
Federal Power Commission
Tennessee Valley Authority
Governor of ---------- (or designated state agency)
State clearinghouse
Area-wide clearinghouses
Others (Organizations, Societies, Individuals, etc.)

(For final statements)—List all federal, state, and local agencies and other sources from which written comments have been received.)

VIII. (Final statement only)—Draft Statement Transmitted to CEQ on ---------- date

III. PROJECT IDENTIFICATION AND ENVIRONMENTAL SETTING

USDA SOIL CONSERVATION SERVICE DRAFT (OR FINAL) ENVIRONMENTAL IMPACT STATEMENT [1]

for

A. ---------- Watershed (State)

Installation of this project constitutes an administrative action. Federal assistance will be provided under authority of Public Law 83-566, 83d Congress, 68 Stat. 666, as amended.

B. Sponsoring Local Organization(s)

(list)

C. Project Purposes and Goals

This section should summarize the goals of the sponsors established for the project at the time of application and as modified in the early stages of planning. The sponsors' goals should reflect the problems and needs in the watershed as a whole and consideration of their relation to regional and national problems and needs. The extent to which various specific goals may involve competing or conflicting uses of the same areas should also be acknowledged.

Recognition should also be acknowledged that the planned project may not or cannot provide for all of these stated goals.

The description of project purposes should not overlap or duplicate information in subsequent sections.

1. *Watershed protection (conservation land treatment).* Describe the goals for installing land treatment and protection of watershed lands during the project installation period. For example, the reduction in erosion rates on cropland, pastureland, and forest land in comparison to the established allowable soil loss should normally be a typical goal. The alteration of trends in farm management, ownership, tenancy, and improved management and wise use of the ecosystems and their plant and animal communities may also be quantified in the goals.

2. *Flood prevention.* Describe the goals for reducing floodwater damages, flood plain scour, land voiding by gullies, and sedimentation. Goals should be related to the planned land use for separate segments or reaches of the flood plain as different levels of protection are appropriate.

3. *Drainage & Irrigation.* Describe the goals for the level of water management to be accomplished consistent with the projected "with project" land use giving consideration to factors outside of the planned project measures (water supply, land rights, outlets, etc.). If specific areas in the watershed can be identified as to location, this should be done.

4. *Fish and wildlife and recreation.* Describe the goals for preserving, improving, and developing fish and wildlife habitat and water based recreation.

5. *Municipal and industrial water supply.* Describe the goals for supplying present and future community(ies) needs for water supply.

6, 7, 8, etc. (Other(s)). List separately and show goals for other project purposes such as water quality management, proper utilization of land, and ground water recharge.

D. Planned Project

Project measures should be described in as nontechnical terms as possible. The description should be in sufficient detail to convey to the reader a complete understanding of all planned work, how it will be installed, and how it will be operated and maintained so this may be related to the environmental factors involved. Some of the items to be described are as follows:

1. *Land treatment measures.* For nonfederal land, explain what will be done without distinction between the going and accelerated phases of the conservation program. This will include soil surveys and other inventories to be accomplished and plans to be developed. Explain that technical assistance will be provided by SCS throughout the watershed and provide an estimate of the number of acres by land use that are expected to be adequately protected or treated by the end of the installation period. Emphasis should be placed on the technical assistance that SCS will provide. It should be clearly evident to the reader that conservation land treatment results from the technical assistance provided and is a voluntary action taken by individual farmers and ranchers unless there is a specific state or local regulation that will insure its implementation. Organize the discussion for each land use category so that treatment for critical areas, flood problem areas, and private, town, county, state, and other nonfederal land is clear and what is to be done is understood. For federal land, the narrative should clearly be described the conservation land treatment measures jointly agreed upon between the Service, the land administering agency, and the sponsoring organization.

2. *Nonstructural measures.* Specific provisions for flood plain management by nonstructural means should be described for every watershed project where minimizing flood loss is a project purpose. Each measure or combination of measures should be described as to what it will consist of, where it will be located, and how it will be installed or implemented. Flood plain zoning, land right acquisition or restrictive easements are some of the land use regulations that should be described. Flood proofing, flood insurance, etc., are among other nonstructural alternatives for flood plain management that should be included where needed and feasible. The narrative should describe how the management practices will be implemented and maintained.

3. *Structural measures.* Present pertinent information relating to the *planned* features, construction, functioning, operation and maintenance of the structural measures. Each kind of measure should be separately described. Where conditions are similar for measures of one kind, they may be presented together. Any key structural measure should be handled separately. Noncritical features of individual structural measures should be described in a manner that will permit alternative solutions during final design providing the overall performance of the measures or environmental impacts are not affected. The description should cover, but not be limited to, the following items if applicable:

a. *Reservoir type structures.* (1) Foundation conditions

(2) Kind of principal spillway. (Type of inlet and outlet)

(3) Kind of emergency spillways. (Rock, earth, structural, other)

(4) Frequency of storm controlled by the principal spillway and retarding storage.

(5) Type of fill material.

(6) Type and extent of clearing to be performed in reservoir area.

(7) Design life of structures and portion of sediment capacity that will initially store water.

(8) Borrow-location, relation to geology, and land rights.

(9) Provisions for safeguarding public health, water quality, sanitation, and safety.

b. *Channels.* (1) Characteristics, of present conditions by reach length and location, along path of proposed channel work, including material through which channels will be constructed.

(2) Nature of planned construction, operation, and maintenance by the reaches previously established further subdivided as follows:

(a) Establishment of new channel including necessary stabilization measures.

(b) Enlargement or realignment of existing channel or stream.

(c) Clean-out of natural or man-made channel (includes bar removal, removal of loose debris, and major clearing and snagging).

(d) Stabilization as primary purpose (by continuous treatment or localized problem areas—present capacity adequate).

(3) Presence of rock or other material that will significantly affect the design of the channel.

c. *Public recreation facilities.* (1) Land and water areas made available for recreational use by project action.

[1] All sources of data will be shown by footnote or bibliography in the work plan and environmental statement. This includes climatologic, hydrologic, geologic, etc. data that are described. All SCS information and data presented should be so referenced. A footnote on the first page of the work plan and environmental statement might be worded as follows: "All information and data, except as otherwise noted were collected by the SCS, USDA."

(2) Kind and nature of recreational facilities to be installed. Provide sufficient detail to indicate their quality.

(3) Relationship between the components of the development—water resource improvement(s) and associated facilities.

(4) Provisions for public access, health, sanitation, safety, and the physically handicapped.

d. *For each structual measure.* (1) Minimum land rights required (acres and type). Also indicate how many acres will be committed to each use and the availability for public use.

(2) Number or amount. Length of channel, levees, floodways, pipelines, number of picnic tables etc., should be stated as "approximate."

(3) Planned appurtenances.

(4) Alteration, modification, or change in location of existing improvements.

(5) Relocations that will result from acquisition of land rights. List the estimated number, kind, and general nature of displacements. Also provide the estimated number of displaced persons and the estimated number of displaced businesses and farm operations including in each category the number of minority and low income persons.

(6) Features or provisions to minimize fish and wildlife losses and other adverse effects. Describe measures or means provided to prevent private landowners using federally cost-shared channels as outlets for private on-farm drainage of wetlands or bottomland hardwood habitat.

(7) The action to be taken during construction to minimize soil erosion, water, air, and noise pollution. Explain how features or provisions will function.

(8) Nonproject features.

(9) Notifications, salvage, or other actions to be taken relating to preservation of historical and archeological data, sites, and specimens. Describe the steps to be taken to minimize project effects on these values.

(10) Location or other relationship with respect to resource values or important physical features identified in the Environmental Setting section.

Exhibits should be used to support the narrative description of the structural measures. These may show plan and elevation views of typical and/or specific structures; channel profiles and cross sections; details of special appurtenances; etc. Reference should be made in the narrative to the project map, exhibits and appropriate tables in order that a clear picture of the structural measures and how they function will be presented.

4. *Operation and maintenance.* Describe project operation and maintenance in the same detail as installation. Specific items to be covered are:

a. The establishment period and what responsibilities the Service will assume during this period. The differences between various structural measures should be explained.

b. Operation of structures, including use of water in regulated storage capacity, operation of any control works such as diversions or tide gates and the legal steps required to establish operating authority, etc. Special note should be made of the provisions for operation and maintenance of fish and wildlife features or measures.

c. The kind of operation and maintenance work that will likely be needed. Special note should be made of any unusual operational needs and major maintenance work that may be anticipated.

d. Inspections to be made, how often kinds of inspections, and frequency of joint inspection by federal and local representatives.

e. Sufficient detail to clearly establish that the requirements for adequate operation and maintenance are fully understood and that arrangements have or can be made to satisfy such requirements. The matter is particularly significant for recreational developments since it is likely that the operation and maintenance effort for even a modest recreational development could comprise over half of the total operation and maintenance functions of the entire project. Since the recreational facilities generally require periodic replacement during the project evaluation period, show the extent to which replacement costs have been included. Custodial, policing, sanitation, safety and other operational services and the manner of financing operation and maintenance costs should be described fully.

If admission or use charges are contemplated, the statement should indicate the basis that will be used for establishing fees.

f. Provisions to assure that the installation and operation and maintenance of the planned features will meet the requirements of appropriate state and local public health agencies. Include provisions for regular monitoring of health and water quality conditions where appropriate. This is especially important when recreation and/or municipal water supply is involved. Identify the agencies involved.

g. A statement that specific operation and maintenance agreements will be executed prior to signing a land rights or project agreement for installation of the measure.

h. The local organization that will be responsible for operating and maintaining each planned measure and the manner of financing.

5. *Project costs.* This section should show total project installation cost distributed to Pub. L. 566 and other funds. The total construction cost, distributed to Pub. L. 566 and other funds, should also be shown. These data may be given in tabular form if desired.

E. Environmental Setting

This material should be in sufficient detail to present a clear and adequate picture of conditions in the watershed as they relate to water and related land resource problems, environmental values and the works of improvement to be installed, as described in the "Planned Project" section. The items to be discussed shall include, but not be limited to the following:

1. *Physical resources.* a. Location and size of the watershed including pertinent information such as the county(ies), towns or cities included, direction and distances to other important cities, position within the state, and rural and urban population. Mention the water resource region and subregion (as delineated by the Water Resources Council) in which the watershed is located. Relate conditions of this watershed to those in the region and subregion.

b. Size, location, and nature of major soil and water resource problem areas (flood plain, gullied areas, areas needing, drainage, irrigation, etc.) Do not describe the problems here. This will be furnished in the problems section.

c. Soils, land capabilities, geology, topography and range in elevations, annual rainfall and seasonable distribution, average annual temperature and temperature ranges, growing season, etc.

d. Mineral and ground water resources.

e. Land use and cover by percent of cropland, forest land, grassland, urban and built-up and other land in the watershed. Provide a general description of the land use in the major soil and water resource problem areas (flood plain, gullied areas, area needing drainage, irrigation, etc.).

f. Surface water resources (natural and man-made) in the watershed. Describe the major water course in the watershed from its source to junction with a major stream or river, name lakes and give approximate areas. Classify all streams in accordance with the Soil Conservation Service's classification system and include the water quality classification established by the responsible state agency.

The description should also indicate the present quantity and quality of base flow at representative points on perennial streams. Representative temperatures and sediment concentrations are two of the factors that should be included in the quality evaluation. Other factors that may affect water quality and should be evaluated include, but are not limited to, effects of the use and transport of fertilizers and insecticides and their effect on eutrophication; discharges from feed lots; sewage disposal systems, mine waste areas; etc.

g. Kind, brief description, location, and acres of wetlands as defined in WETLANDS of the UNITED STATES, Department of the Interior, Fish and Wildlife Service, Circular C–39.

h. Any other physical data significant to the problems and their solution.

2. *Present and projected population.* Population projections and growth assumptions based on OBERS information, where appropriate and available, otherwise on other appropriate projections. Estimate the numbers of low income and minority residents.

3. *Economic resources.* a. Land ownership including private, local public, State, and Federal. If a significant area of public land exists in the watershed, it should be identified narratively and on the project map.

b. Types of major farm or ranch enterprises, including number and average size.

c. Principal crops grown and yields in the watershed as a whole, for conditions without the project.

d. Current land values in upland, flood plain, and other soil and water problem areas.

e. Accessibility of farms or ranches to roads and market.

f. A general assessment of current economic and social conditions including normal employment and unemployment levels, level and sources of income, etc. Specific attention should be given to minority and low income persons, to family farms, and to their location with respect to the flood plain areas or other potentially benefited areas.

g. Any other information which will give a picture of the over-all economy of the watershed area, as well as significant variations within the watershed. Identify existing or proposed Resource Conservation and Development projects, Regional Development programs (such as Appalachia and TVA) and any river basin authorities that may be involved.

4. *Plant and animal resources.* a. General plant community descriptions, including dominant species and successional status or trends should be provided by land uses.

b. Population, utilization, and importance of each significant category, group or species of fish, animals and birds which are dependent on conditions in the watershed.

c. Quality and quantity of fish and wildlife habitat resources. Provide a separate description of these resources by reaches or segments along all existing stream channels (natural or man-made), and at potential Reconnaissance Report as well as data colsider the data contained in the BSF&W Feconnaissance Report as well as data collected by SCS and other specialists.

d. Influence of pollution and other water quality factors on the fish and wildlife resource values, especially productivity.

e. Public access availability to the existing resource.

f. Special mention should be made of any threatened species.

5. *Recreational resources.* a. Identification of existing recreational resources and the potential for recreational use from sources of data such as: inventories of existing outdoor recreational areas and enterprises; appraisals of potential for outdoor recreational developments; soil surveys (their use and interpretations for recreation); statewide comprehensive outdoor recreational plans, and river basin studies.

b. Present utilization of existing recreational resources.

c. Influence of pollution and water quality on existing recreational resources.

d. Public accessibility and facilities provided for recreational resource use.

6. *Archeological, historical, and unique scenic resources.* Location and nature of known archeological, historical, scientific, and scenic values in the watershed as determined from qualified sources. Identify the source. Specific references should be made to any property included in or eligible for inclusion in the National Register of Historic Places, and to consultation with the state historic preservation officer, and other state, regional, and local societies and organizations with expertise. It must be evident from the information presented that the Service has fully met its responsibility to determine the significance of its actions on any archeological and historical resources that may be present, including the use of professional archeologists if the presence of such resources is either affirmed or is inconclusive.

7. *Soil, water, and plant management status.* a. Identification of trends in land use changes.

b. Status of the land treatment program and the degree to which committed factors of production (land, labor and capital) are employed inefficiently on marginal upland, flood plain areas subject to frequent flooding and areas needing drainage or irrigation.

c. Activities of soil and water conservation districts.

d. Number of cooperators and number of conservation plans.

e. Percent of watershed covered by agreements.

f. Percent of planned practices presently applied, and types of practices planned.

g. Acres, by land use, of land considered adequately treated, or protected.

h. Status of other programs and influences affecting adequacy of management.

8. *Projects of other agencies.* Describe existing or soon to be constructed water resource development projects (county, state, federal or private) which may have a relationship to the works of improvement included in the plan. Indicate nature of relationship.

F. Water and Related Land Resources Problems

Discuss problems resulting from floodwater, erosion, and sediment damages, and those associated with the conservation, development, utilization, and disposal of water. Problems or needs associated with *each* category of damage should be thoroughly described in the environmental statement. Sediment and erosion damages should be described separately from floodwater damages wherever such damage exists. Pictures of typical problem or damage areas should be included as appropriate. Typical items to be described include the following:

1. *Land and water management.* Discuss social and economic problems encountered in encouraging farmers and ranchers to conserve their natural resources. Describe these problems clearly, giving emphasis to (a) types of problems including serious erosion rates, low fertility, soil-water relationships, changes in plant communities, (b) need for land use adjustments, (c) need for a more efficient use of committed factors of production in the entire watershed and (d) the ability of landowners and operators to install needed land treatment measures.

2. *Floodwater damage.* a. Thorough description of nature and extent of damage and limitations due to flooding.

b. Flood hazard area—Describe the kinds of crops, number of landowners, residences and businesses, etc.

c. Frequency and seasonal occurrence of damaging floods; monetary and physical damages from key flood or recent flood; significance of small frequent floods or large infrequent floods on the total flood problem.

d. Evaluation reaches, including location or limits and significant differences in problems. (Refer to Project Map.)

e. The extent to which floods affect the health or lives of people.

f. Any other pertinent aspects of the problem.

It is desirable to describe a particular flood of record that clearly portrays the flood problem. The frequency of this occurrence should be stated.

3. *Erosion damage.* a. Gross erosion rates in tons per acre over the entire watershed by land use for each type of erosion: sheet and rill, gully, roadside, streambank, etc.

b. Identification and description of severity of critical sediment source areas.

c. Extent of physical erosion damages: (1) gully—area voided (in acres, feet, etc.), (2) streambank—miles damaged and state of activity, (3) flood plain scour—acres damaged and degree, (4) other.

d. General effect of erosion on agricultural production and the economy of the watershed, including reduced net return.

4. *Sediment damage.* a. Nature and extent of sediment deposition on agricultural lands and in urban areas expressed in acres damaged.

b. Nature and extent of swamping damage, including damage to trees over a long period of time.

c. Loss of capacity of functioning ability of reservoirs and distribution systems, channels, drainage and irrigation developments, transportation facilities, and other. Describe in physical terms.

d. Effect on water quality, especially as related to transporting agricultural chemicals.

e. Average annual sediment yield at the mouth of the watershed and other points of concern, and the description of what problems this creates downstream. Also express this in terms of sediment concentration (Mg l) and relate to stream pollution, when information is available.

5. *Drainage problems.* a. Degree and extent of agricultural areas (including forest land) affected by wet conditions.

b. Limitations on use.

c. Effect on quality, production costs and yield of crops.

d. Local efforts to improve conditions.

e. Need for and kinds of on-farm drains and associated land treatment measures in conjunction with structural system of drainage measures.

f. Soils.

g. Degree and extent of drainage problems and around facilities such as: airports, buildings, recreation areas, urban areas, etc.

h. Any other pertinent items, such as salinity, vector, etc., problems.

6. *Irrigation problems.* a. Present and potential irrigated areas.

b. Source and adequacy of existing water supply including quantity and quality of water.

c. Adequacy and efficiency of existing irrigation systems, and methods.

d. Crop adaptation and suitability of soils, and topographic conditions.

e. Phreatophyte and vector control.

f. Other pertinent items, such as water rights, special uses (frost control, or cooling) salt problems.

7. *Municipal and industrial water problems.* a. Conditions and adequacy of existing supply.

b. Future demands and needs for additional supply.

c. Present status and future of ground water supplies.

d. Anticipated population to be served.

8. *Recreation problems.* a. Water quality and sediment problems in lakes, streams, or ponds having recreational potential.

b. Availability of existing resources to the general public.

c. Present population and future projected population within a reasonable distance of the watershed.

d. Overall lack of or need for additional water-related recreational facilities.

9. *Plant and animal problems.* a. Alteration of plant communities and landscape patterns.

b. Loss of wildlife habitat because of changed or changing (trends) land use.

c. Damage to fish and wildlife resources by flooding, sediment, erosion, and poor water quality.

d. Need for additional fish and wildlife habitat.

e. Threatened species, (plant, animal, etc.)

10. *Water quality problems.* a. Nature and extent of pollution in watershed streams, including, but not limited to: chemicals, sewage, temperatures, etc. Describe the influence of trends in land use and transport of fertilizers and pesticides.

11. *Economic and social problems.* a. Extent to which family farms are low income producing units.

b. Extent that the project area is an economically depressed area.

c. Need for additional employment opportunities.

d. Percent of problem area devoted to farms using one and one-half man-years or more of hired labor as contracted to family farms.

e. General need for promoting rural community development in the watershed.

IV. Relationship to Land Use Plans, Policies and Controls

Describe how the proposed action may conform or conflict with the objectives and specific terms of approved or proposed federal, state, and local use plans, policies and controls, if any, for the area affected, including those developed in reponse to the Clean Air Act or the Federal Water Pollution Control Act Amendments of 1972. Where a conflict on inconsistency exists, the statement should describe the extent to which the agency has reconciled its proposed actions with the plan, policy or control, and the reasons why the agency, has decided to proceed notwithstanding the absence of full reconciliation.

V. Environmental Impact

(General Instructions) Material in this section will be organized under the following headings: Conservation Land Treatment, Nonstructural Measures, Structural Measures, and Economic and Social. The Economic and Social heading is for overall effects in these categories which are not covered under the other three headings. This section should include a factual and objective description of all effects and the probable impacts, primary and secondary, short-term and long-term, of the planned project. Both beneficial and adverse effects or impacts will be described as they relate to all resources and problems described in earlier sections of the environmental statement. No attempt should be made to classify them as either favorable or adverse. Effects outside the watershed should not be overlooked. Do not state opin-

ions except in reporting the views of others outside the Service. Conclusions with respect to any impact should show the supporting basis in fact, or from the pertinent technical literature, or from a source with expertise outside of the Service.

The effects of construction activity during installation should be described in each subsection, as appropriate. The description will be written in such a manner that watershed residents and the general public will be able to clearly understand what the project will or will not do.

Each impact should be described in detail and quantified. Impacts should be placed in perspective. For example, if 50 acres of a particular type of habitat are to be lost by installation of the project, what relationship does this have to the total amount of this habitat which would exist without the project and what effect will this have on the species which use this habitat?

Some of the more common potential impacts to be addressed in subsequent sections include the following:

1. Changes in biological productivity, including fish and wildlife habitat and population losses, impacts on rare and endangered species, and changes in species diversity.
2. Changes in water quality resulting from sedimentation including receiving waters, changes in stream regimen, agricultural chemicals, municipal and industrial pollution, increased recreational activity, and irrigation return flows.
3. Land use changes stimulated by the project including changes in areas of wetlands, bottom land hardwood, flood plain encroachment, etc.
4. Downstream impacts created by sediment deposition, change in flow velocities and flood plain use.
5. Changes in stream configuration (width, depth, length, gradient, oxbows, and meanders) resulting from stream channel work—related impacts on water table levels and biological productivity.
6. Recurring project maintenance practices (mechanical and chemical) and the resulting impacts on stream and habitat recovery.
7. Ground water supply and/or recharge as affected by impoundments or prolonged flows.

Where any of these factors are relevant or are likely to be questioned by readers of the statement, the possible environmental impact should be discussed.

A. CONSERVATION LAND TREATMENT

Although land treatment is generally considered to result in favorable environmental impacts, conflicts in resource use may create situations that might induce adverse effects. Consideration should be given to that which will take place without the project (i.e., clearing of bottom land hardwood, ongoing terrace program, etc.) in establishing the changes which will result from project measures. Probable impacts (or effects) based on an identification of changed conditions are listed below: (not all-inclusive, nor do they apply to all projects).

1. Land adequately and partially protected or treated—acres.
2. Sheet erosion rate—tons per acre per year.
3. Sediment deposition on flood plains—acres, degree and extent.
4. Effect of above impacts on crop production, wildlife, etc.
5. Sediment yield to watershed outlet, streams, and lakes—tons, acre feet per year.
6. Aggradation or degradation in stream reaches—inches or feet.
7. Average annual sediment concentration (suspended and turbidity) in flowing streams—mg/l or ppm. Indicate annual range if available.
8. Quality of runoff water, including average nutrient content (N, P, K) and agricultural chemicals.
9. Land use changes—acres by use.
10. Drainage conditions in wetland areas or bottom land hardwood areas resulting in changed land use.
11. Vector control.
12. Modified flood runoff.
13. Modification of places of archeological or historical or scientific value.
14. Ground water table and ground water recharge.
15. Health and safety of watershed residents.
16. Employment conditions.
17. Social and economic.
18. Esthetics.

B. NONSTRUCTURAL MEASURES

Describe all effects and the related environmental impacts relating to the use of nonstructural measures in the project. Physical, social, and economic impacts may result.

1. Relocations.
2. Land use changes.
3. Changes in agricultural production.
4. Disruption of community associations.
5. Changes in net income.

C. STRUCTURAL MEASURES

The installation of structural measures in a watershed project will have definite physical, social and economic effects on the environment and each ecosystem within the watershed. Careful evaluation will be necessary to identify impacts. Many of the same items listed under land treament will of course apply to structual measures with differing degrees of importance. Additional probable impacts (or effects) based on an identification of changed conditions are listed below: (not all inclusive nor do they apply to all projects).

1. Terrestrial and/or aquatic habitat modified or lost—acres, miles, etc.
2. Area available for upland game hunting—acres.
3. Acres of warm water lake or stream fishery for _____ fisherman per day.
4. Area available for agricultural production—acres.
5. _____ miles of roads and number of bridges to be closed or modified due to inundation by reservoir. Relate to increased travel time for certain residents.
6. Degree of flooding to be experienced on various land uses for particular frequency floods.
7. Streambank erosion and flood plain scour.
8. Fish migrations.
9. Rare and endangered plant and animal species.
10. Water-based recreation available—annual recreation visits.
11. Traffic, litter, noise, etc. caused by recreation development.
12. Major plant communities.
13. Water supply.
14. Base flow in perennial streams.
15. Ground water recharge.
16. Temperature of water in perennial streams.
17. Ambent air quality during and after construction.
18. Noise pollution during construction.
19. Relocations.
20. Tax base.
21. Natural conditions of stream channels, including oxbows and meanders.
22. Social and Economic.

D. ECONOMIC AND SOCIAL

1. Effects on the economy, including employment and unemployment, economic base, population retention and distribution, and per capita income including minority and low income persons.
2. Effects on agricultural efficiency and income stability from supplemental farm enterprises such as recreation and wood products on marginal agricultural lands.
3. Effects on the quality of living for both the beneficiaries and the people relocated.
4. Effects on rural area development.
5. Secondary effects on the region as influenced by the project.
6. Describe the effects which will not or cannot be evaluated in monetary terms in sufficient detail to explain their importance to the community, the region and the nation.
7. Effects on open space made available through recreational, agricultural or reserved land uses, and vegetation along field borders.

E. INTERNATIONAL IMPACTS

Consider and discuss international impacts, if any.

F. FAVORABLE ENVIRONMENTAL IMPACTS

This section should summarize (from the "Impact" section) any environmental effects which are probably beneficial. The listing in this section should contain only sufficient detail to identify the item.

G. ADVERSE ENVIRONMENTAL EFFECTS

This section should summarize (from the "Impact" section) any environmental effects which are probably adverse and cannot be avoided. The listings should contain only sufficient detail to identify the item.

VI. ALTERNATIVES

Section 102(2)(D) of the Act requires the responsible agency to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." A rigorous exploration and objective evaluation of alternative actions that might avoid some or all of the adverse environmental effects as listed in the "Adverse Effects" section is essential.

Justification statements for the nonselection of an alternative should not be included, but the key facts should be presented to enable the reader to judge the relative merits of each alternative. The planned project, described in detail in an earlier section, should *not* be described or justified in detail in this section. Wording to the effect that an alternative "was considered during project formulation * * *" should be avoided.

All reasonable alternatives should be discussed including any that have been or are likely to be suggested by agencies, groups, or individuals even though they would not meet project objectives, or come within Soil Conservation Service jurisdiction. Reasonable alternatives include those which may be possible under other existing authorities. Alternatives which are deemed remote or speculative are not considered to be reasonable. The courts have ruled that agencies "need not indulge in crystal ball inquiry" in assessing the effects of alternatives.

The foremost requirements of this section are to objectively discuss the available alternatives in sufficient detail for understanding. For each alternative, describe (a) what the alternative consists of, (b) level of protection or development provided, (c) expected environmental impacts, and (d) costs. Present sufficient data and analysis to provide the reader with the rationale for acceptance or rejection of each alternative.

The following alternatives always should be considered:

1. Accelerated conservation land treatment alone.
2. Accelerated conservation land treatment supplemented by nonstructural measures for

minimizing flood losses, including zoning, flood proofing, flood insurance, land purchase, warning systems, etc.; either singly or in alternative combinations with structural measures. Flood plain zoning or flood insurance as alternatives by themselves are often not realistic. To become viable alternatives they frequently need to be combined with other measures.

3. Alternative means of achieving the comparable benefits claimed for the proposed action.

If channel work is planned an alternative that would eliminate some specific parts or all of the channel work should be included. Pump drainage or other design alternatives for achieving the same purposes and level of development or for minimizing adverse impacts should be considered as appropriate. If pump drainage is included as either a land treatment practice or as a structural measure it may be an alternative to certain reaches of channel work.

4. No project. This alternative should describe anticipated future changes that will affect the environment under current trends of change. This description should be concluded with a statement of the net monetary benefits that would be foregone by not implementing the project (net=annual benefit less annual cost).

It should be realized that the no project alternative would include the ongoing land treatment program. It should also be recognized, and appropirate description provided, that the problems, needs and trends in the project area will continue. Physicial impacts of expected trends should be described as well as the monetary benefits foregone. Here is an opportunity to look into the future and describe probable conditions without the proposed project.

VII. Short-Term vs. Long-Term Use of Resources

This section is to assess the action for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations. It should consider the following:

1. Land use. Consider trends, formal land use plans, regional plans, river basin plans, and the expected future use.

2. Extent to which the project will solve only short-term or immediate problems and reduce the options available for long-term uses.

3. Project compatibility with projected future long-term uses of the land, water, and other natural resources.

4. Extent to which the project will be effective in conserving land and water resources after its designed life.

5. Regional and Cumulative Effect.

a. General description of the status of the PL–566 watershed program (installed, approved, and potential projects) in the water resources region and subregion as designated by the Water Resources Council.

b. Relationship of works of improvement in this project to those in other water resource projects in the region.

c. A description of cumulative effects is to be included when it is reasonable to anticipate a cumulatively significant impact on the environment. These effects will consider all completed, planned, and applied-for water resource projects in a given river basin or region. Regional boundaries for this evaluation will vary with the resource being considered. Influencing factors could be a migratory waterfowl flyway, a coastal marsh area, a particularly important natural habitat for specific fish or wildlife species, a hydrologic unit for downstream effects, etc. Special attention should be given to this item where projects are similar in nature and closely interrelated such that they might be considered a complex of projects. By definition, however, there will always be cumulative effects whenever there are two or more projects in the same area of influence and each has any of the same beneficial or adverse effects. (Technical Service Centers can provide assistance making maximum use of river basin studies which have been completed or are in progress.)

VIII. Irreversible and Irretrievable Commitments of Resources

This section identifies the extent to which the action curtails the range of beneficial uses of the environment. It should factually discuss the following:

1. The acres in each present use and the other resource values that are represented in the land to be committed to dams, spillways, lakes, pool areas, channels, recreational facilities, etc. However, recognition should be given to any remaining resource values that these areas may provide after reestablishment of vegetation.

2. How the commitment of land and water areas to features of the project will preclude these areas from other uses in the future.

3. Labor and capital investments.

IX. Consultation and Review With Appropriate Agencies and Others

1. *General.* Appendix II to the CEQ Guidelines for Preparation of Environmental Impact Statements lists areas of environmental impact and the federal and federal-state agencies with jurisdiction by law or special expertise to comment thereon. This list should be used in arranging for appropriate consultation on any environmental values involved.

To the extent possible, the NEPA process is to meet the consulting and coordinating requirements of the Fish and Wildlife Coordination Act, the National Historic Preservation Act, Section 309 of the Clean Air Act, and other requirements as applicable.

This section will briefly describe the overall processes of consultation and coordination with all interested agencies and individuals during the application, planning, and review stages. Examples of typical contacts are fish and wildlife agencies, health and water quality agencies, state historic preservation officers and other archeological and historical authorities, local minority group organizations, individual concerned landowners, conservation organizations, etc. Written notices and requests for information, public meetings, steering committee meetings, planning and coordinating meetings with federal, state, and local agencies and similar activities should be mentioned. This section should show that the procedures followed provide ample opportunity for the general public, organizations, and other agencies to raise issues and provide inputs. For the draft statement, list the agencies, conservation groups, and organizations that are being asked to comment on the draft environmental statement and which will be shown in Section VII in the Summary.

2. *Discussion and disposition of each comment on draft environmental statement.* (This section is to be included only in the final environmental statement.) List all agencies, groups, and individuals requested to comment on the draft environmental statement and indicate whether they responded. Summarize each *environmental* issue, problem, or objection raised during the formal interagency review of the draft environmental statement and the final work plan. Include the name of the agency, group, or individual making the comment, a meaningful reference to the issue raised, and what disposition was made of it. All issues raised, even though they may appear to have little or no merit, should be discussed, and all opposing views noted.

X. List of Appendixes

Appendix A—Comparison of Benefits and Costs for Structural Measures (This is the Table 6 (modified) from the work plan but identified as Appendix A).

Appendix B—Project Map (This is the same map, in color, used in the work plan).

Appendix C—Letters of Comment Received on the Draft Environmental Statement (This item will be included in both the draft and final environmental statement. However, on the draft statement add the following: "to be included in the final environmental statement").

Other Appendices as Appropriate—
XI.

Approved by _____
Name and title
Date _____

NOTE: Appendixes to be attached following page on which signature appears.

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